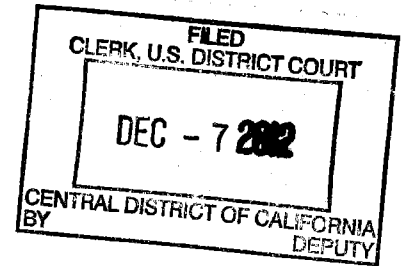


AARON J. MOSS (SBN 190625)  
amoss@greenbergglusker.com  
NANCY C. MORGAN (SBN 205430)  
nmorgan@greenbergglusker.com  
GREENBERG GLUSKER FIELDS CLAMAN &  
MACHTINGER LLP  
1900 Avenue of the Stars, 21st Floor  
Los Angeles, California 90067-4590  
Telephone: 310.553.3610  
Fax: 310.553.0687



Attorneys for Plaintiff Leg Avenue, Inc.

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CV12-10510** MWF (PZx)

LEG AVENUE, INC.,

Plaintiff,

v.

PRIVATE ISLAND  
ENTERTAINMENT, LLC;  
JONATHAN GLATT; and DOES 1-  
10, inclusive,

Defendants.

Case No.

**COMPLAINT FOR:**

- (1) **COPYRIGHT INFRINGEMENT**  
(17 U.S.C. §§ 101, 501 *et seq.*);
- (2) **REGISTERED TRADEMARK**  
**INFRINGEMENT** (15 U.S.C. § 1114);
- (3) **FEDERAL FALSE**  
**DESIGNATION OF ORIGIN**  
(15 U.S.C. § 1125(a));
- (4) **UNFAIR, UNLAWFUL, OR**  
**FRAUDULENT TRADE**  
**PRACTICES** (Cal. Bus. & Prof. Code  
§§ 17200, *et seq.*);
- (5) **FALSE ADVERTISING** (Cal.  
Bus. & Prof. Code § 17500);
- (6) **CALIFORNIA COMMON LAW**  
**TRADEMARK**  
**INFRINGEMENT/UNFAIR**  
**COMPETITION**

**DEMAND FOR JURY TRIAL**

GREENBERG GLUSKER FIELDS CLAMAN  
& MACHTINGER LLP  
1900 Avenue of the Stars, 21st Floor  
Los Angeles, California 90067-4590

1 Plaintiff Leg Avenue, Inc. ("Plaintiff" or "Leg Avenue") hereby alleges:

2 **NATURE OF ACTION**

3 1. Plaintiff is a manufacturer and wholesaler of hosiery, lingerie and  
 4 costumes. In violation of copyright, trademark, false advertising and unfair  
 5 competition law, Defendants have used Plaintiff's intellectual property to advertise  
 6 and sell Defendants' own products. Specifically, Defendants have: (a) used and  
 7 continue to use Plaintiff's copyrighted images of its products without permission;  
 8 (b) held themselves out to be a vendor of genuine "Leg Avenue" goods, when in  
 9 fact, they are selling cheap imitations of Leg Avenue goods; (c) offered to sell and  
 10 sold Leg Avenue goods as Private Island goods; (d) advertised their own products  
 11 using Plaintiff's "Leg Avenue" trademark and/or Plaintiff's copyrighted  
 12 photographs of the genuine Leg Avenue product; (e) sold Leg Avenue products in  
 13 unbranded packaging; and (f) removed the holographic seal from Leg Avenue  
 14 products. Defendants' actions give rise to claims for copyright infringement,  
 15 registered trademark infringement, false advertising/false designation of origin,  
 16 state and federal unfair competition and common law trademark infringement.

17 **THE PARTIES**

18 2. Plaintiff is a California corporation residing in Los Angeles County.

19 3. On information and belief, Defendant Private Island, LLC ("Private  
 20 Island") is a New York limited liability company with corporate offices at 19 West  
 21 21<sup>st</sup> Street, Suite 601, New York, NY 10010 and a warehouse in Wurtsburo,  
 22 Sullivan County, State of New York.

23 4. On information and belief, Defendant Jonathan Glatt is an individual, a  
 24 resident of New York State, and the sole member and president of Private Island.

25 5. The true names and capacities of Defendants sued herein as Does 1  
 26 through 10, inclusive, are unknown to Plaintiff at this time. Plaintiff is informed  
 27 and believes and, on that basis alleges, that each of the Defendants named as a Doe  
 28 defendant was an agent, servant, co-owner and/or employee of each of the other

1 named Defendants and, at all times herein, acted within the course and scope of  
2 their agency and/or employment with the authority, express direction, knowledge,  
3 and consent of the named Defendants. Plaintiff will amend this Complaint when  
4 the identities of the Doe Defendants become known.

5 6. Plaintiff is informed and believes and, on that basis alleges, that with  
6 regard to the facts alleged, and at all times relevant, each of the Defendants,  
7 whether Doe defendant or otherwise, acted within a common plan and contributed  
8 to the injuries suffered by the Plaintiff as hereinafter alleged. Each Defendant is  
9 believed to be the agent, employee, principal, representative or alter ego of one or  
10 more Defendants and acted with the other Defendants' knowledge, consent, and  
11 approval, and within the course of and scope of their agency or representative  
12 capacity. Accordingly, each Defendant is responsible for the actions of the other  
13 Defendants as averred herein.

#### 14 VENUE AND JURISDICTION

15 7. This action arises out of the Copyright Act, codified at 17 U.S.C. § 101  
16 *et seq.*, and Lanham Act, codified at 15 U.S.C. 1051 *et seq.*, thus this Court has  
17 original jurisdiction under these statutes pursuant to 28 U.S.C. §§ 1338(a) and (b).  
18 This Court has supplemental jurisdiction over the state law claims pursuant to 28  
19 U.S.C. §§ 1338(a) and (b) and 28 U.S.C. § 1367(a).

20 8. Venue is proper under 28 U.S.C. §§ 1391(b) in that the claims herein,  
21 or a substantial part of the events that give rise to the claims herein, arose in this  
22 judicial district. Defendants sell and ship products, including the ones at issue in  
23 this lawsuit, to purchasers located in this judicial district.

#### 24 PLAINTIFF'S PRODUCTS

25 9. Plaintiff is engaged in the development, manufacture, distribution, sale  
26 and marketing of apparel and accessory products, including, but not limited to, the  
27 products at issue in this lawsuit.  
28

10. In 1984, the Leg Avenue brand began as a family-owned business located in Los Angeles' downtown fashion district, where its founding members sold originally-designed stockings. Though hard work and innovation, the business grew quickly and evolved into selling hosiery and lingerie. In 1999, the family formed Leg Avenue, Inc. to bring additional product concepts to life.

11. Plaintiff has become one of the world's largest intimate apparel wholesalers with lingerie and hosiery lines. By itself, Plaintiff's hosiery line consists of more than 500 products, including petticoats, thigh-highs and garter belts. In addition, Plaintiff also designs, manufactures and sells shoes and accessories. Plaintiff's products have been worn by many celebrities, including pop star Katy Perry and Oscar-nominated actress Helena Bonham Carter, who wore Plaintiff's hose in the 2010 hit motion picture, *Alice in Wonderland*.

12. Plaintiff branched out into the costume industry with fun designs that blend fantasy and fashion for men, women, children and pets. 450 designs later, Plaintiff's costumes are sold at hundreds of specialty stores and large chain stores throughout the United States. As part of its costume collection, Plaintiff has also acquired coveted costume licenses, such as those for the National Basketball Association, beloved characters such as Alvin and the Chipmunks, and the celebrated motion pictures *Grease*, *Flashdance* and *Top Gun*.

13. Plaintiff markets and sells its products to retailers via product catalogs, showrooms, trade shows, Plaintiff's own Internet website [www.legavenue.com](http://www.legavenue.com), and a network of more than a dozen employed sales representatives exclusively devoted to the brand. Consumers purchase Plaintiff's products through brick and mortar retail chains such as Party City, Halloween City and Spirit Stores and online retailers such as [www.amazon.com](http://www.amazon.com), [halloweenexpress.com](http://halloweenexpress.com) and [lingerieidiva.com](http://lingerieidiva.com).

#### **PLAINTIFF'S INTELLECTUAL PROPERTY**

14. Plaintiff has common law trademark rights in the mark "LEG AVENUE" which is an inherently distinctive mark which, in addition, also has

1 achieved secondary meaning as a result of its extensive commercial use by Plaintiff  
2 since at least as early 1994. "LEG AVENUE" functions as an identifier of source  
3 and origin.

4 15. In addition, Plaintiff owns federal trademark registrations, including:

5 (a) LEG AVENUE (Reg. No. 3343763), registered November 27,  
6 2007, the word mark LEG AVENUE and a stylized design, for Halloween and  
7 party costumes. A copy of the electronic record of this registration obtained from  
8 the Trademark Electronic Search Systems (TESS) is attached hereto as **Exhibit 1.**

9 (b) ENCHANTED COSTUMES BY LEG AVENUE (Reg. no.  
10 3700295), a standard character mark, registered May 5, 2009, for Halloween and  
11 masquerade costumes. A copy of the electronic record of this registration obtained  
12 from the Trademark Electronic Search Systems (TESS) is attached hereto as  
13 **Exhibit 2.**

14 (c) ENCHANTED COSTUMES BY LEG AVENUE (Reg. no.  
15 3700286), a word mark in stylized form, registered May 5, 2009, for Halloween and  
16 masquerade costumes. A copy of the electronic record of this registration obtained  
17 from the Trademark Electronic Search Systems (TESS) is attached hereto as  
18 **Exhibit 3.**

19 16. Plaintiff is, or at all relevant times was, the owner of the following  
20 copyright registrations:

21 (a) Registration number TX-6-189-768, registered on May 10, 2005,  
22 for the catalog: "Leg Avenue 2005 Catalog." A copy of the registration certificate  
23 issued by the United States Copyright Office is attached hereto as **Exhibit 4.**

24 (b) Registration number VA-1-728-221, registered on June 23,  
25 2008, for the catalog "Leg Avenue Costume Catalog 2006." A copy of the  
26 registration certificate issued by the United States Copyright Office is attached  
27 hereto as **Exhibit 5.**

28 (c) Registration number VA-1-649-925, registered on June 27,

2008, for the catalog "Leg Avenue Costumes Catalog 2007." A copy of the registration certificate issued by the United States Copyright Office is attached hereto as **Exhibit 6**.

(d) Registration number VA-1-653-437, registered on July 3, 2008, for the catalog "Leg Avenue Costume Catalog 2008." A copy of the registration certificate issued by the United States Copyright Office is attached hereto as **Exhibit 7**.

(e) Registration number VA-1-660-994, registered on January 27, 2009, for the catalog "Leg Avenue Costume Catalog 2009." A copy of the registration certificate issued by the United States Copyright Office is attached hereto as **Exhibit 8**.

(f) Registration number VA-1-762-043, registered on February 2, 2010, for the catalog "Leg Avenue Costume Catalog 2010." A copy of the registration certificate issued by the United States Copyright Office is attached hereto as **Exhibit 9**.

(g) Registration number VA-1-766-538, registered on February 14, 2011, for the catalog "Leg Avenue Costume Catalog 2011." A copy of the registration certificate issued by the United States Copyright Office is attached hereto as **Exhibit 10**.

(h) Registration number VA-1-662-075, registered on December 18, 2008, for the catalog "Leg Avenue Hosiery Catalog 2009." A copy of the registration certificate issued by the United States Copyright Office is attached hereto as **Exhibit 11**.

(i) Registration number VA-1-738-756, registered on December 7, 2009, for the catalog "Leg Avenue Hosiery Catalog 2010." A copy of the registration certificate issued by the United States Copyright Office is attached hereto as **Exhibit 12**.

## **DEFENDANTS' WRONGFUL CONDUCT**



17. On information and belief: Defendants have misused Plaintiff's trademarks and copyrights and have committed infringement and unfair competition, by creating a likelihood of confusion as to source, origin, endorsement, or affiliation.

18. On information and belief: Defendants operate or have operated certain websites, including "www.privateislandparty.com," through which they offer to sell numerous products, including costumes, hosiery and lingerie. Defendants also have offered to sell and sold their products through online retailers such as www.amazon.com.

19. On information and belief: Defendants have advertised their own products as LEG AVENUE products and used Plaintiff's copyrighted images of Plaintiff's products or substantially similar images in advertisements for Defendants' own products. In reliance on these advertisements, consumers have purchased what they believed to be genuine Leg Avenue goods. Instead, consumers received Defendants' products, which are in fact inferior knock-offs of Plaintiff's products. Showing consumers text and images that Defendants have lifted straight from Plaintiff misleads consumers into thinking that they are getting the same product. In short, a major part of Defendants' business consists of luring in unsuspecting consumers by advertising with Plaintiff's images, when Defendants in fact then proceed to sell or to ship those customers something else: Defendants' own product.

20. On or about October 18, 2012, Plaintiff received word that Defendants were advertising products as LEG AVENUE products. Specifically, one of Plaintiff's customers informed Plaintiff that it had purchased a petticoat that was advertised as a "LEG AVENUE" product. The advertisement used the same style number as the genuine LEG AVENUE product (no. 8990) and an image that was the same or substantially similar to the copyrighted photograph of item no.8990 featured in Plaintiff's 2011 product catalog. The customer made the purchase off

1 the website [www.amazon.com](http://www.amazon.com); “Private Island” was the shipper and seller of the  
2 item. The product that Plaintiff’s customer received was not in fact style no. 8990  
3 and not a LEG AVENUE product at all, but a “Private Island” branded knock-off of  
4 Plaintiff’s petticoat.

5 21. On or about October 25, 2012, Plaintiff became aware that  
6 [www.amazon.com](http://www.amazon.com) featured another advertisement for a black LEG AVENUE  
7 petticoat (item no. 8990) and an image that was the same or substantially similar to  
8 the copyrighted photograph of item no. 8990 featured in Plaintiff’s 2011 product  
9 catalog; the advertisement noted that the petticoat “ships from and [is] sold by  
10 Private Island.” Plaintiff purchased the product and received it on or about October  
11 30, 2012. The return label on the mailing envelope showed that the item had been  
12 sent from “Private Island, 148 South Road, Wurtsboro, NY 12790-7435”. The  
13 product that Private Island sold and shipped in response to the order, however, was  
14 not in fact style no. 8990 and not a LEG AVENUE product at all, but a “Private  
15 Island” branded knock-off, lacking the manufacturer’s information and an RN  
16 number, which a genuine Leg Avenue product would have. The Private Island  
17 product is also inferior to the genuine LEG AVENUE product in both presentation  
18 and quality. Plaintiff reported this to Amazon.com, which in turn removed Private  
19 Island as a seller of LEG AVENUE products.

20 22. On information and belief, as a result of the above conduct, consumers  
21 are being deceived and are making purchases from Defendants thinking that they  
22 have purchased the authentic product of Plaintiff when in fact Defendants are  
23 selling them unauthorized lower quality product.

24 23. On information and belief, Defendants have used and are using,  
25 without permission, numerous copyrighted photographs (covered by the  
26 aforementioned registration numbers) bearing images of Plaintiff’s products on  
27 Defendants’ website, [www.privateislandparty.com](http://www.privateislandparty.com).  
28



GREENBERG GLUSKER FIELDS CLAMAN  
& MACHTINGER LLP  
1900 Avenue of the Stars, 21st Floor  
Los Angeles, California 90067-4590

1           24. On information and belief: Defendants further have sold genuine Leg  
2 Avenue products without attribution to Plaintiff. Rather, Defendants have palmed  
3 off the genuine LEG AVENUE goods as Private Island goods. Defendants have  
4 removed the genuine LEG AVENUE packaging and replaced it with unbranded  
5 inferior packaging. Defendants' packaging does not contain warning labels, care  
6 instructions, indicia of product origin, fabric used, manufacturer name and contact  
7 information and Plaintiff's holographic seal.

8           25. On information and belief: Defendants have at all times known that  
9 they were misusing Plaintiff's intellectual property.

10          26. On or about November 8, 2012, Plaintiff's counsel observed that  
11 Defendants were advertising products under for sale on the website  
12 www.privateislandentertainment.com using Plaintiff's copyrighted images of its own  
13 products. These advertisements did not use the LEG AVENUE trademarks or  
14 indicate that any of the products had been made by Plaintiff.

15          27. Plaintiff's counsel purchased several products, which arrived on or  
16 about November 16, 2012. Of these products, one item was a genuine LEG  
17 AVENUE product in what appeared to be the original packaging. A second item  
18 was an inferior knock-off of Plaintiff's product in packaging that bore the "Private  
19 Island" name and logo and a photograph different than the one in the advertisement.  
20 Three other items were LEG AVENUE products that bore the interior LEG  
21 AVENUE labels but with inferior unbranded packaging that did not have warning  
22 labels, care instructions, product origin, indicia of fabric used, manufacturer name  
23 and contact info or Plaintiff's holographic seal.

24          28. On information and belief: Defendants' willful actions are intended to  
25 capitalize on the goodwill established by Plaintiff through its design, development,  
26 promotion, marketing and advertising of its distinctive products. These actions  
27 have caused and are causing confusion among those in the industry and with end  
28 users, many of whom believe that Defendants' product originates with, is sponsored

by or is otherwise associated with Plaintiff. Unless Defendants are preliminarily and permanently enjoined, consumers will continue to be confused about the identities of the two products, and Plaintiff will suffer irreparable injury for which there is no adequate remedy at law.

## **COUNT I**

### **Copyright Infringement**

**(17 U.S.C. §§ 101, 501 *et seq.*)**

**(Against all Defendants)**

29. Plaintiff incorporates by this reference paragraphs 1 through 28 above, inclusive, as if fully set forth herein.

Plaintiff is or has been at all relevant times the owner of the following copyright registrations: no. TX-6-189-768, registered on May 10, 2005; no. VA-1-728-221, registered on June 23, 2008; no. VA-1-649-925, registered on June 27, 2008; no. VA-1-653-437, registered on July 3, 2008; no. VA-1-660-994, registered on January 27, 2009; no. VA-1-762-043, registered on February 2, 2010; and no. VA-1-766-538, registered on February 14, 2011; no. VA-1-662-075, registered on December 18, 2008; no. VA-1-738-756, registered on December 7, 2009; (collectively or individually, the "Registered Copyrights.")

30. Without permission from Plaintiff, Defendants have placed and published on their website photographs from Plaintiff's copyrighted materials on Defendants' website and on information and belief, those of retailers, in violation of the Copyright Act, 17 U.S.C. § 101, *et seq.*, including, but not limited to, 17 U.S.C. § 106.

31. Defendants' acts alleged herein, including, but not limited to, their acts relating to Plaintiff's copyrights, and each of them, constitute copyright infringement in violation of 17 U.S.C. § 501, *et seq.* As alleged herein, in commerce, Defendants have made or distributed unauthorized copies and reproductions of, and have publicly displayed those unauthorized copies and

1 reproductions of, text, images and photographs that are protected by the Registered  
2 Copyrights. Said unauthorized copies and reproductions have included, but have  
3 not been limited to, copies and reproductions of: Plaintiff's photographs and images  
4 of its costumes, hosiery and accessories.

5 32. On information and belief: Defendants' acts of copyright infringement  
6 are direct and/or contributory and/or vicarious and/or inducing. Defendants  
7 substantially participated in the acts infringing Plaintiff's copyrights, having  
8 induced, encouraged, caused, assisted with and materially contributed to the  
9 infringement. Defendants were aware of any direct infringement and had the right  
10 and ability to supervise and did supervise the infringing activities, but declined to  
11 exercise their right to stop or limit them because of a financial interest in the  
12 outcome thereof. Defendants did so with full knowledge of both the infringing acts  
13 and that such acts infringed the Registered Copyrights.

14 33. Defendants have profited and otherwise wrongfully benefited from  
15 their infringement. In addition, on information and belief, Defendants' copying and  
16 reproduction of materials protected by Plaintiff's copyrights and their display and  
17 distribution of same on the websites have impaired the distinctiveness of Plaintiff's  
18 copyrighted materials, have eroded customer identification of said materials as  
19 Plaintiff's exclusive property, and have caused customer confusion, all resulting in  
20 actual damages and lost profits to Plaintiff, as well as wrongful gains and benefits  
21 to Defendants.

22 34. On information and belief, Defendants' copyright infringement has  
23 been and is willful.

24 35. As a result of Defendants' acts of copyright infringement, Plaintiff has  
25 suffered damages in an amount subject to proof at trial. Defendants' copyright  
26 infringement as alleged herein entitles Plaintiff to recover actual damages, and the  
27 disgorgement of all wrongful profits and other gains derived by Defendants from  
28 their conduct, according to proof at trial. In the alternative, Plaintiff is entitled to

1 statutory damages and to recover up to \$150,000 per infringed copyright for the  
2 willful infringement and such other relief as may be allowed under 17 U.S.C. §  
3 504(a).

4 36. As a direct and proximate consequence of Defendants' acts alleged  
5 herein, Defendants, and each of them, have caused, are causing, and, unless such  
6 acts and practices are enjoined, will continue to cause irreparable harm to Plaintiff  
7 for which there is no adequate remedy at law, and for which Plaintiffs are entitled  
8 to preliminary and permanent injunctive relief restraining Defendants, and each of  
9 them, and all of their agents, officers, employees, affiliates, licensees, assigns,  
10 representatives, and distributors, and all persons acting in concert with any of them,  
11 from engaging in any further such acts. Plaintiff is entitled to injunctive and  
12 equitable relief as may be appropriate under the circumstances to protect Plaintiff's  
13 rights, to avoid unfairness, to prevent further infringement, and to allow provisional  
14 relief to seize the infringing product at issue and to preserve Defendants' assets and  
15 to assist Plaintiff in its ultimate recovery against Defendants.

16 37. Plaintiff is entitled to an accounting, and is entitled to recover  
17 prejudgment interest, attorneys' fees, costs, and any and all other relief the Court  
18 deems appropriate.

## 19 **COUNT II**

### 20 **(Registered Trademark Infringement)**

21 **(15 U.S.C. § 1114)**

22 **(Against all Defendants)**

23 38. Plaintiff hereby incorporates by reference and realleges Paragraphs 1-  
24 37, above, as if fully set forth herein.

25 39. Plaintiff owns, or controls all rights to the federally registered LEG  
26 AVENUE trademarks cited herein above (collectively or individually, the  
27 "Registered Marks").  
28

40. Defendants' acts as alleged herein violate 15 U.S.C. §§ 1114, *et seq.* and constitute trademark infringement of the Registered Marks. Defendants' acts as alleged herein have been in commerce or in connection with the sale, offering for sale, distribution, or advertising of goods. Defendants have used the Registered Marks to sell Defendants' own products. Additionally, "LEG AVENUE" products offered for sale and sold by Defendants have been defaced and adulterated in the manners alleged herein above, such that they are not genuine, and such that Plaintiff's legal rights under the Lanham Act have been violated. Defendants' acts as alleged herein have created a likelihood of confusion as to source, origin, sponsorship, endorsement or affiliation. Those acts also have caused actual confusion, mistake, or deception.

41. Defendants have directly violated, have conspired to violate, and/or have contributorily violated 15 U.S.C. § 1114. On information and belief, Defendants have done this intentionally, for the express purpose of trading on the consumer recognition and goodwill which has been developed in connection therewith. On information and belief, it was Defendants' objective to create confusion as to source, origin, sponsorship, endorsement or affiliation.

42. As a direct and proximate consequence of Defendants' acts as alleged herein, Defendants, and each of them, have caused, are causing, and, unless such acts and practices are enjoined, will continue to cause irreparable harm to Plaintiff for which there is no adequate remedy at law, and for which Plaintiff is entitled to preliminary and permanent injunctive relief restraining Defendants, and each of them, and all of their agents, officers, employees, affiliates, licensees, assigns, representatives, and distributors, and all persons acting in concert with any of them, from engaging in any further such acts.

43. As a direct and proximate consequence of Defendants' acts alleged herein, Plaintiff has been, is being, and, unless such acts and practices are enjoined, will continue to be injured in its business and in its property rights, and has

suffered, is suffering, and will continue to suffer significant monetary damages and damages, in an amount according to proof at trial. Plaintiff is entitled to recover actual damages, treble damages, and disgorgement of all profits and other wrongful gains of each Defendant.

44. Plaintiff also is entitled to an accounting and to recover prejudgment interest, attorneys' fees, costs, and any and all other relief the Court deems appropriate.

### **COUNT III**

**(Federal False Designation of Origin/Unfair Competition/False Advertising)**

**(15 U.S.C. § 1125(a))**

**(Against all Defendants)**

45. Plaintiff hereby incorporates by reference and realleges Paragraphs 1-44, above, as if fully set forth herein.

46. Defendants' acts as alleged herein violate 15 U.S.C. §§ 1125(a), *et seq.* and constitute false designation of origin, infringement of Plaintiff's common law or unregistered trademarks, false advertising, misrepresentation, and unfair competition. By way of example and not limitation, such conduct includes: (a) the passing off of Defendants' products as Plaintiff's products, (b) the passing off of Plaintiff's products as Defendants' products, (c) the defacing, adulteration and substitution of the packaging of Plaintiff's products in the manners alleged herein above, such that they are not genuine and such that Plaintiff's rights under the Lanham Act have been violated.

47. Defendants' acts as alleged herein have been in commerce or in connection with the sale, offering for sale, distribution, or advertising of goods. Defendants' acts as alleged herein have created a likelihood of confusion as to source, origin, sponsorship, endorsement or affiliation. Defendants' acts as alleged herein also have misrepresented the nature, characteristics, or qualities of the



1 Plaintiff products offered for sale by Defendants. Defendants' acts as alleged  
2 herein have caused actual confusion, mistake, or deception.

3 48. On information and belief, Defendants' acts as alleged herein,  
4 including, but not limited to, their acts of false designation of origin,  
5 misrepresentation, and unfair competition, were committed intentionally. On  
6 information and belief, it was Defendants' objective to create confusion as to  
7 source, origin, sponsorship, endorsement or affiliation, and to misrepresent the  
8 nature, characteristics, or qualities of the Plaintiff products they offered for sale.

9 49. Defendants have directly violated, have conspired to violate, and/or  
10 have contributorily violated 15 U.S.C. § 1125(a).

11 50. As a direct and proximate consequence of Defendants' acts as alleged  
12 herein, Defendants, and each of them, have caused, are causing, and, unless such  
13 acts and practices are enjoined, will continue to cause irreparable harm to Plaintiff  
14 for which there is no adequate remedy at law, and for which Plaintiff is entitled to  
15 preliminary and permanent injunctive relief restraining Defendants, and each of  
16 them, and all of their agents, officers, employees, affiliates, licensees, assigns,  
17 representatives, and distributors, and all persons acting in concert with any of them,  
18 from engaging in any further such acts.

19 51. As a direct and proximate consequence of Defendants' acts alleged  
20 herein, Plaintiff has been, is being, and, unless such acts and practices are enjoined,  
21 will continue to be injured in its business and in its property rights, and has  
22 suffered, is suffering, and will continue to suffer significant monetary damages and  
23 damages, in an amount according to proof at trial. Plaintiff is entitled to recover  
24 actual damages, treble damages, and disgorgement of all profits and other wrongful  
25 gains of each Defendant.

26 52. Plaintiff also is entitled to an accounting and to recover prejudgment  
27 interest, attorneys' fees, costs, and any and all other relief the Court deems  
28 appropriate.

**COUNT IV****Unfair, Unlawful, or Fraudulent Trade Practices****(Cal. Bus. & Prof. Code §§ 17200, *et seq.*)****(Against All Defendants)**

53. Plaintiff incorporates by reference and realleges paragraphs 1 through 52 above, as if fully set forth herein.

54. By Defendants' acts as alleged herein, Defendants have engaged in unfair, unlawful, or fraudulent business acts or practices in violation of California Business & Professions Code Section 17200 *et seq.* By way of example and not limitation, Defendants' offering for sale, selling, shipping, distributing, and/or delivering of one or more LEG AVENUE products on which Plaintiff's identification marks and/or anti-diversion tracking markings had been removed, defaced, covered, altered, and/or destroyed, violate California Penal Code Section 537e and, as a result, by virtue of being unlawful, also violate California Business & Professions Code Section 17200 *et seq.* Defendants also have misrepresented the nature, characteristics, or qualities of the products offered for sale by Defendants.

55. Plaintiff has standing to pursue this claim under Section 17200 *et seq.*, as it has been affected by, and suffered damages as a result of, Defendants' acts.

56. Defendants have earned wrongful profits, or have derived wrongful gains and benefits, as a result of their acts in violation of Section 17200 *et seq.*

57. As a direct and proximate consequence of Defendants' acts as alleged herein, Defendants, and each of them, have caused, are causing, and, unless such acts and practices are enjoined, will continue to cause irreparable harm to Plaintiff for which there is no adequate remedy at law, and for which Plaintiff is entitled to preliminary and permanent injunctive relief restraining Defendants, and each of them, and all of their agents, officers, employees, affiliates, licensees, assigns, representatives, and distributors, and all persons acting in concert with any of them, from engaging in any further such acts. Plaintiff is entitled to injunctive and

1 equitable relief as may be appropriate under the circumstances to protect Plaintiff's  
 2 rights, to avoid unfairness, and to allow provisional relief to preserve Defendants'  
 3 assets and to assist Plaintiff in its ultimate recovery against Defendants.

#### 4 COUNT V

#### 5 (False Advertising)

#### 6 (Cal. Bus. & Prof. C. § 17500)

#### 7 (Against All Defendants)

8 58. Plaintiff hereby incorporates and realleges paragraphs 1 through 57,  
 9 above.

10 59. Defendants' acts alleged herein constitute false advertising in violation  
 11 of Cal. Bus. & Prof. C. § 17500. As alleged herein, in commerce, or otherwise in  
 12 connection with the sale, offering for sale, distribution, or advertising of goods,  
 13 Defendants have used false or misleading descriptions or representations of fact  
 14 which in commercial advertising or promotion have misrepresented the nature,  
 15 characteristics, or qualities of Defendants' goods and Defendants' commercial  
 16 activities.

17 60. As a direct and proximate consequence of Defendants' acts alleged  
 18 herein, Plaintiff has been, is being, and, unless such acts and practices are enjoined,  
 19 will continue to be injured in its business and in its property rights, and has  
 20 suffered, is suffering, and will continue to suffer significant monetary loss and  
 21 damages to its goodwill.

22 61. On information and belief, Defendants' acts as alleged herein have  
 23 been committed willfully and with the knowledge that such acts will cause  
 24 consumer confusion and mistake and/or will deceive the consuming public.

25 62. Defendants have directly violated, conspired to violate, and/or  
 26 contributorily violated California Business & Professions Code Section 17500 *et*  
 27 *seq.*  
 28

63. As a direct and proximate consequence of Defendants' acts alleged herein, Defendants, and each of them, have caused, are causing, and, unless such acts and practices are enjoined, will continue to cause irreparable harm to Plaintiff for which there is no adequate remedy at law, and for which Plaintiff is entitled to preliminary and permanent injunctive relief pursuant to California Business and Professions Code § 17203 restraining Defendants, and each of them, and all of their agents, officers, employees, affiliates, licensees, assigns, representatives, and distributors, and all persons acting in concert with any of them, from engaging in any further such acts and ordering Defendants to take remedial action.

### **COUNT VI**

#### **California Common Law Trademark Infringement/**

#### **Unfair Competition**

#### **(Against All Defendants)**

64. Plaintiff hereby incorporates by reference and realleges Paragraphs 1-63, above, as if fully set forth herein.

65. Defendants' acts as alleged herein constitute infringement of Plaintiff's common law or unregistered trademarks, misrepresentation, and unfair competition under California common law. By way of example and not limitation, Defendant used the Registered Marks in the advertising of Defendants' own product(s). Plaintiff's products offered for sale and sold by Defendants have been defaced and adulterated in the manners alleged herein above, such that they are not genuine and such that Plaintiff's rights under California common law have been violated. Defendants' acts as alleged herein have been in commerce or in connection with the sale, offering for sale, distribution, or advertising of goods in such a way that affects consumers in California. Defendants' acts as alleged herein have created a likelihood of confusion as to source, origin, sponsorship, endorsement or affiliation. On information and belief, Defendants' acts as alleged herein have caused actual confusion, mistake, or deception.

1           66. On information and belief, Defendants' acts as alleged herein,  
2 including, but not limited to, their acts of common law or unregistered trademark  
3 infringement, misrepresentation, and unfair competition, were committed  
4 intentionally. On information and belief, it was Defendants' objective to create  
5 confusion as to source, origin, sponsorship, endorsement or affiliation, and to  
6 misrepresent the nature, characteristics, or qualities of the Plaintiff products they  
7 offered for sale.

8           67. Defendants have directly violated, have conspired to violate, and/or  
9 have contributorily violated California common law.

10          68. As a direct and proximate consequence of Defendants' acts as alleged  
11 herein, Defendants, and each of them, have caused, are causing, and, unless such  
12 acts and practices are enjoined, will continue to cause irreparable harm to Plaintiff  
13 for which there is no adequate remedy at law, and for which Plaintiff is entitled to  
14 preliminary and permanent injunctive relief restraining Defendants, and each of  
15 them, and all of their agents, officers, employees, affiliates, licensees, assigns,  
16 representatives, and distributors, and all persons acting in concert with any of them,  
17 from engaging in any further such acts.

18          69. As a direct and proximate consequence of Defendants' acts alleged  
19 herein, Plaintiff has been, is being, and, unless such acts and practices are enjoined,  
20 will continue to be injured in its business and in its property rights, and has  
21 suffered, is suffering, and will continue to suffer significant monetary damages and  
22 damages, in an amount according to proof at trial. Plaintiff is entitled to recover  
23 actual damages, treble damages, and disgorgement of all profits and other wrongful  
24 gains of each Defendant.

25          70. Plaintiff also is entitled to an accounting and to recover prejudgment  
26 interest, attorneys' fees, costs, and any and all other relief the Court deems  
27 appropriate.  
28

71. On information and belief, Defendants have engaged in the foregoing conduct willfully and wantonly with malice, oppression, or fraud and in conscious disregard of Plaintiff's rights. As a result, Plaintiff is entitled to an award of punitive or exemplary damages to punish Defendants and to deter others from such misconduct in the future.


### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for judgment in its favor and against Defendants, and each of them, as follows:

1. For preliminary and permanent injunctive relief;
2. For compensatory damages, according to proof;
3. For statutory damages of \$1,350,000.00 for willful copyright infringement;
4. For disgorgement of profits and wrongful gains, according to proof;
5. For treble damages;
6. For punitive or exemplary damages;
7. For statutory attorneys' fees;
8. For an accounting;
9. For prejudgment interest; and
10. For attorneys' fees and costs;
11. For any and all other relief the Court deems appropriate.

DATED: December 7, 2012

GREENBERG GLUSKER FIELDS  
CLAMAN & MACHTINGER LLP

By:   
NANCY C. MORGAN  
Attorneys for Plaintiff Leg Avenue, Inc.

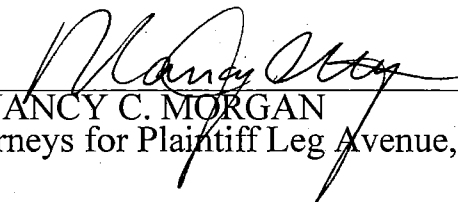


**JURY DEMAND**

Plaintiff hereby respectfully requests a trial by jury on any and all issues that are so triable.

DATED: December 7, 2012

GREENBERG GLUSKER FIELDS  
CLAMAN & MACHTINGER LLP

By:   
NANCY C. MORGAN  
Attorneys for Plaintiff Leg Avenue, Inc.

GREENBERG GLUSKER FIELDS CLAMAN  
& MACHTINGER LLP  
1900 Avenue of the Stars, 21st Floor  
Los Angeles, California 90067-4590

# EXHIBIT 1



United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Thu Nov 29 05:02:45 EST 2012

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [BOTTOM](#) [HELP](#) [PREV LIST](#) [CURR LIST](#)  
[NEXT LIST](#) [FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#) [LAST DOC](#)

[ Logout ] Please logout when you are done to release system resources allocated for you.

[ Start ] List At: \_\_\_\_\_ OR [ Jump ] to record: \_\_\_\_\_ **Record 1 out of 6**

[TSDR](#) [ASSIGN Status](#) [TTAB Status](#) ( Use the "Back" button of the Internet Browser to return to TESS)

Leg Avenue

<b>Word Mark</b>	<b>LEG AVENUE</b>
<b>Goods and Services</b>	IC 025. US 022 039. G & S: [ Clothing, namely anklets, babydoll lingerie, bathrobes, beachwear, bikini sets, blouses, body shapers, body stockings, body suits, boxer shorts, bras, bustiers, camisoles, chemises, collars,] Halloween [ costumes ], * and * party costumes, [ corsets, dresses, foundation garments, garters, girdles, gloves, halter tops, hosiery, hot pants, leotards, lingerie, knee highs, loungewear, negligees, night gowns, night shirts, pajamas, panties, pants, pantyhose, petticoats, sarongs, shirts, shorts, skirts, sleepwear, slips, socks, stockings, swim wear, teddies, thongs, tights, underpants, and underwear ]. FIRST USE: 19980301. FIRST USE IN COMMERCE: 19980301
<b>Mark Drawing Code</b>	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
<b>Design Search Code</b>	26.17.09 - Bands, curved; Bars, curved; Curved line(s), band(s) or bar(s); Lines, curved
<b>Trademark Search Facility Classification Code</b>	SHAPES-BAR-BANDS Designs with bar, bands or lines SHAPES-MISC Miscellaneous shaped designs
<b>Serial Number</b>	78479870
<b>Filing Date</b>	September 7, 2004
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	April 10, 2007

Exhibit 1  
Page 22

**Change In Registration** CHANGE IN REGISTRATION HAS OCCURRED  
**Registration Number** 3343763  
**Registration Date** November 27, 2007  
**Owner** (REGISTRANT) Leg Avenue, Inc. CORPORATION CALIFORNIA 19601 East Walnut Drive South  
City of Industry CALIFORNIA 91748  
**Attorney of Record** David A. Schnider  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

---

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	SEARCH OG	TOP	HELP	PREV LIST	CURR LIST
NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC					

---

[| HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)

# EXHIBIT 2



United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

**Trademarks > Trademark Electronic Search System (TESS)**

TESS was last updated on Thu Nov 29 05:02:45 EST 2012

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [BOTTOM](#) [HELP](#) [PREV LIST](#) [CURR LIST](#)  
[NEXT LIST](#) [FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#) [LAST DOC](#)

[ Logout ] Please logout when you are done to release system resources allocated for you.

[ Start ] List At: \_\_\_\_\_ OR [ Jump ] to record: \_\_\_\_\_ **Record 3 out of 6**

[TSDR](#) [ASSIGN Status](#) [TTAB Status](#) ( Use the "Back" button of the Internet Browser to return to TESS)

**ENCHANTED COSTUMES BY LEG AVENUE**

<b>Word Mark</b>	ENCHANTED COSTUMES BY LEG AVENUE
<b>Goods and Services</b>	IC 025. US 022 039. G & S: Halloween costumes; Masquerade costumes. FIRST USE: 20090515. FIRST USE IN COMMERCE: 20090515
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	77652773
<b>Filing Date</b>	January 20, 2009
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	May 5, 2009
<b>Registration Number</b>	3700286
<b>Registration Date</b>	October 20, 2009
<b>Owner</b>	(REGISTRANT) Leg Avenue, Inc. CORPORATION CALIFORNIA 19601 East Walnut Drive South City of Industry CALIFORNIA 91748
<b>Attorney of Record</b>	David A. Schnider
<b>Prior Registrations</b>	3343763
<b>Disclaimer</b>	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "COSTUMES" APART FROM THE MARK AS SHOWN
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL

Exhibit 2  
Page 24



Live/Dead Indicator LIVE

---

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	SEARCH OG	TOP	HELP	PREV LIST	CURR LIST
NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC					

---

[|.HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)

# EXHIBIT 3



United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

**Trademarks > Trademark Electronic Search System (TESS)**

TESS was last updated on Thu Nov 29 05:02:45 EST 2012

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [BOTTOM](#) [HELP](#) [PREV LIST](#) [CURR LIST](#)  
[NEXT LIST](#) [FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#) [LAST DOC](#)

[ Logout ] Please logout when you are done to release system resources allocated for you.

[ Start ] List At: \_\_\_\_\_ OR [ Jump ] to record: \_\_\_\_\_ **Record 2 out of 6**

[TSDR](#) [ASSIGN Status](#) [TTAB Status](#) ( Use the "Back" button of the Internet Browser to return to TESS)



Word Mark	ENCHANTED COSTUMES BY LEG AVENUE
Goods and Services	IC 025. US 022 039. G & S: Halloween costumes; Masquerade costumes. FIRST USE: 20090515. FIRST USE IN COMMERCE: 20090515
Mark Drawing Code	(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
Serial Number	77655676
Filing Date	January 23, 2009
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	May 5, 2009
Registration Number	3700295
Registration Date	October 20, 2009
Owner	(REGISTRANT) Leg Avenue, Inc. CORPORATION CALIFORNIA 19601 East Walnut Drive South City of Industry CALIFORNIA 91748
Attorney of Record	David A. Schnider
Prior Registrations	3343763
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "COSTUMES" APART FROM THE MARK AS SHOWN
Description of Mark	Color is not claimed as a feature of the mark.
Type of Mark	TRADEMARK
Register	PRINCIPAL

Exhibit 3  
Page 26

Live/Dead Indicator LIVE

---

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	SEARCH OG	TOP	HELP	PREV LIST	CURR LIST
NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC					

---

[|.HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)

# EXHIBIT 4

## Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Marybeth Peters*

Register of Copyrights, United States of America

**Form TX**  
For a Nondramatic Literary Work  
UNITED STATES COPYRIGHT OFFICE

TX 6-189-768



EFFECTIVE DATE OF REGISTRATION

MAY 10, 2005  
Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

1

**TITLE OF THIS WORK ▼**

Leg Avenue - 2005 Catalog

**PREVIOUS OR ALTERNATIVE TITLES ▼**

**PUBLICATION AS A CONTRIBUTION** If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work ▼

If published in a periodical or serial give: Volume ▼ Number ▼ Issue Date ▼ On Pages ▼

2

**a** NAME OF AUTHOR ▼  
Leg Avenue, Inc.

**DATES OF BIRTH AND DEATH**  
Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"?  
☒ Yes  
☐ No

**AUTHOR'S NATIONALITY OR DOMICILE**  
Name of Country  
OR Citizen of U.S.A.  
Domiciled in U.S.A.

**WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK**  
Anonymous? ☐ Yes ☒ No  
Pseudonymous? ☐ Yes ☒ No  
If the answer to either of these questions is "Yes," see detailed instructions.

**NOTE**

Under the law, the "author" of a "work made for hire" is generally the employer, not the employee (see instructions). For any part of this work that was "made for hire" check "Yes" in the space provided, give the employer (or other person for whom the work was prepared) as "Author" of that part, and leave the space for dates of birth and death blank.

**NATURE OF AUTHORSHIP** Briefly describe nature of material created by this author in which copyright is claimed. Text, Photographs and Selection and Arrangement of same.

**b** NAME OF AUTHOR ▼

**DATES OF BIRTH AND DEATH**  
Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"?  
☐ Yes  
☐ No

**AUTHOR'S NATIONALITY OR DOMICILE**  
Name of Country  
OR Citizen of U.S.A.  
Domiciled in U.S.A.

**WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK**  
Anonymous? ☐ Yes ☒ No  
Pseudonymous? ☐ Yes ☒ No  
If the answer to either of these questions is "Yes," see detailed instructions.

**NATURE OF AUTHORSHIP** Briefly describe nature of material created by this author in which copyright is claimed.

**c** NAME OF AUTHOR ▼

**DATES OF BIRTH AND DEATH**  
Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"?  
☐ Yes  
☐ No

**AUTHOR'S NATIONALITY OR DOMICILE**  
Name of Country  
OR Citizen of U.S.A.  
Domiciled in U.S.A.

**WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK**  
Anonymous? ☐ Yes ☒ No  
Pseudonymous? ☐ Yes ☒ No  
If the answer to either of these questions is "Yes," see detailed instructions.

**NATURE OF AUTHORSHIP** Briefly describe nature of material created by this author in which copyright is claimed.

3

**a** YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED  
2005

**b** DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK  
Month April Day 11 Year 2005  
United States of America

4

**4** COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2. ▼

Leg Avenue, Inc.  
17008 Evergreen Place, Unit #A  
City of Industry, CA 91754

**TRANSFER** If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ▼

APPLICATION RECEIVED

MAY 10 2005

ONE DEPOSIT RECEIVED

TWO DEPOSITS RECEIVED

MAY 10 2005

FUNDS RECEIVED

**MORE ON BACK** ▶

▶ Complete all applicable spaces (numbers 5-9) on the reverse side of this page.  
▶ See detailed instructions. ▶ Sign the form at line 8.

DO NOT WRITE HERE

Page 1 of 2 pages

EXAMINED BY <u>JRP</u>	FORM TX
CHECKED BY _____	
<input type="checkbox"/> CORRESPONDENCE	FOR
Yes	COPYRIGHT
	OFFICE
	USE
	ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

☐ Yes ☒ No If your answer is "Yes," why is another registration being sought? (Check appropriate box.) ▼a. ☐ This is the first published edition of a work previously registered in unpublished form.b. ☐ This is the first application submitted by this author as copyright claimant.c. ☐ This is a changed version of the work, as shown by space 6 on this application.

If your answer is "Yes," give Previous Registration Number ▶

Year of Registration ▶

## DERIVATIVE WORK OR COMPIATION

Preexisting Material Identify any preexisting work or works that this work is based on or incorporates. ▼

Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. ▼

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.  
Name ▼ Account Number ▼

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt./City/State/ZIP ▼

David A. Schnider, Esq., Sedgwick, Detert, Moran & Arnold LLP  
801 S. Figueroa Street, 18th Floor  
Los Angeles, CA 90017-5556

Area code and daytime telephone number ▶ (213) 426-6900

Fax number ▶ (213) 426-6921

Email ▶ david.schnider@sdma.com

CERTIFICATION\* I, the undersigned, hereby certify that I am the

Check only one ▶

- ☐ author  
☐ other copyright claimant  
☐ owner of exclusive right(s)  
☒ authorized agent of Leg Avenue, Inc.

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Name of author or other copyright claimant, or owner of exclusive right(s) ▲

Typed or printed name and date ▼ If this application gives a date of publication in space 3, do not sign and submit it before that date.

Amy Tsai

Date ▶ April 20, 2005

Handwritten signature (X) ▼

X

Certificate will be mailed in window envelope to this address:

Name ▼  
David A. Schnider, Esq., Sedgwick, Detert, Moran & Arnold LLP

Number/Street/Apt ▼  
801 S. Figueroa St., 18th Floor

City/State/ZIP ▼  
Los Angeles, CA 90017-5556

YOU MUST

- Complete all necessary spaces
- Sign your application in space 8

SEND ALL ELEMENTS IN THE SAME PACKAGE

1. Application form  
2. Nonrefundable filing fee in check or money order payable to Registrar of Copyrights  
3. Deposit material

MAIL TO  
Library of Congress  
Copyright Office - TX  
101 Independence Avenue, S.E.  
Washington, D.C. 20559-6222

Fees are subject to change. For current fees, check the Copyright Office website at [www.copyright.gov](http://www.copyright.gov), with the Copyright Office, or call (202) 707-6000.

\*17 U.S.C. § 506(a): Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 409, or in any written statement filed in connection with the application, shall be fined not more than \$2,500.

Rev. July 2003—suc Web Rev. July 2003 © Printed on recycled paper

U.S. Government Printing Office: 2000-441-113/20,021.

# EXHIBIT 5



## Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Marybeth Peters*

Register of Copyrights, United States of America

Registration Number:

VA 1-649-925

Effective date of  
registration:

June 27, 2008

Title \_\_\_\_\_

Title of Work: Leg Avenue Costume Catalog 2007

Completion/ Publication \_\_\_\_\_

Year of Completion: 2007

Date of 1st Publication: February 1, 2007

Nation of 1st Publication: United States

Author \_\_\_\_\_

Author: Leg Avenue, Inc.

Author Created: 2-D artwork, photograph(s), text

Work made for hire: Yes

Citizen of: United States

Domiciled in: United States

Copyright claimant \_\_\_\_\_

Copyright Claimant: Leg Avenue, Inc.

19601 East Walnut Drive South, City of Industry, CA, 91748, United States

Rights and Permissions \_\_\_\_\_

Organization Name: Leg Avenue, Inc.

Name: David A. Schneider

Email: dschneider@legavenue.com

Telephone: 626-581-1273

Address: 19601 East Walnut Drive South

City of Industry, CA 91748 United States

Certification \_\_\_\_\_

Name: David A. Schneider

Date: June 23, 2008

# EXHIBIT 6

## Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Marybeth Peters*

Register of Copyrights, United States of America

Registration Number  
VA 1-728-221

Effective date of  
registration:  
June 23, 2008

### Title

Title of Work: Leg Avenue Costume Catalog 2006

### Completion/Publication

Year of Completion: 2006

Date of 1st Publication: February 1, 2006

Nation of 1st Publication: United States

### Author

Author: Leg Avenue, Inc.

Author Created: 2-D artwork, photograph(s), text

Work made for hire: Yes

Citizen of: United States

Domiciled in: United States

### Copyright claimant

Copyright Claimant: Leg Avenue, Inc.

19601 East Walnut Drive South, City of Industry, CA, 91748, United States

### Rights and Permissions

Organization Name: Leg Avenue, Inc.

Name: David A. Schnider

Email: dschnider@legavenue.com

Telephone: 626-581-1273

Address: 19601 East Walnut Drive South

City of Industry, CA 91748 United States

### Certification

Name: David A. Schnider

Date: June 23, 2008

# EXHIBIT 7

## Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Marybeth Peters*  
Register of Copyrights, United States of America

Registration Number:

VA 1-653-437

Effective date of  
registration:

July 3, 2008

Title \_\_\_\_\_

Title of Work: Leg Avenue Costume Catalog 2008

Completion/ Publication \_\_\_\_\_

Year of Completion: 2008

Date of 1st Publication: March 1, 2008

Nation of 1st Publication: United States

Author \_\_\_\_\_

Author: Leg Avenue, Inc.

Author Created: 2-D artwork, photograph(s), text

Work made for hire: Yes

Citizen of: United States

Domiciled in: United States

Copyright claimant \_\_\_\_\_

Copyright Claimant: Leg Avenue, Inc.

19601 East Walnut Drive South, City of Industry, CA 91748, United States

Rights and Permissions \_\_\_\_\_

Organization Name: Leg Avenue, Inc.

Name: David A. Schnider

Email: dschnider@legavenue.com

Telephone: 626-581-1273

Address: 19601 East Walnut Drive South

City of Industry, CA 91748 United States

Certification \_\_\_\_\_

Name: David A. Schnider

Date: July 3, 2008

# EXHIBIT 8

## Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Marybeth Peters*  
Register of Copyrights, United States of America

Registration Number:

VA 1-660-994

Effective date of  
registration:

January 27, 2009

Title \_\_\_\_\_

Title of Work: Leg Avenue Costumes Catalog 2009

Completion/ Publication \_\_\_\_\_

Year of Completion: 2009

Date of 1st Publication: January 19, 2009

Nation of 1st Publication: United States

Author \_\_\_\_\_

■ Author: Leg Avenue, Inc.

Author Created: 2-D artwork, photograph(s), text

Work made for hire: Yes

Citizen of: United States

Domiciled in: United States

Copyright claimant \_\_\_\_\_

Copyright Claimant: Leg Avenue, Inc.

19601 East Walnut Drive South, City of Industry, CA, 91748, United States

Rights and Permissions \_\_\_\_\_

Organization Name: Leg Avenue, Inc.

Name: David A. Schnider

Email: dschnider@legavenue.com

Telephone: 626-581-1273

Address: 19601 East Walnut Drive South

City of Industry, CA 91748 United States

Certification \_\_\_\_\_

Name: David A. Schnider

Date: January 21, 2009



# EXHIBIT 9

## Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Maria A. Pallante*

Acting Register of Copyrights, United States of America

Registration Number  
VA 1-762-043

Effective date of  
registration:

February 2, 2010

### Title

Title of Work: Leg Avenue Costume Catalog 2010

### Completion/Publication

Year of Completion: 2009

Date of 1st Publication: January 6, 2010

Nation of 1st Publication: United States

### Author

■ Author: Leg Avenue, Inc.

Author Created: text, photograph(s), 2-D artwork

Work made for hire: Yes

Citizen of: United States

Domiciled in: United States

### Copyright claimant

Copyright Claimant: Leg Avenue, Inc.

19601 East Walnut Drive South, City of Industry, CA, 91748, United States

### Rights and Permissions

Organization Name: Leg Avenue, Inc.

Name: David A. Schnider

Email: dschnider@legavenue.com

Telephone: 626-581-1273

Address: 19601 East Walnut Drive South

City of Industry, CA 91748 United States

### Certification

Name: David A. Schnider

Date: January 26, 2010

# EXHIBIT 10

## Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Maria A. Pallante*

Acting Register of Copyrights, United States of America

Registration Number  
VA 1-766-538

Effective date of  
registration:

February 14, 2011

### Title

Title of Work: Leg Avenue Costume Catalog 2011

### Completion/Publication

Year of Completion: 2010

Date of 1st Publication: January 5, 2011

Nation of 1st Publication: United States

### Author

Author: Leg Avenue, Inc.

Author Created: text, photograph(s), 2-D artwork

Work made for hire: Yes

Citizen of: United States

Domiciled in: United States

### Copyright claimant

Copyright Claimant: Leg Avenue, Inc.

19601 East Walnut Drive South, City of Industry, CA, 91748, United States

### Rights and Permissions

Organization Name: Leg Avenue, Inc.

Name: David A. Schneider

Email: dschneider@legavenue.com

Telephone: 626-581-1273

Address: 19601 East Walnut Drive South

City of Industry, CA 91748 United States

### Certification

Name: David A. Schneider

Date: February 7, 2011

# EXHIBIT 11

## Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Marybeth Peters*  
Register of Copyrights, United States of America

Registration Number:

VA 1-662-075

Effective date of  
registration:

December 18, 2008

Title \_\_\_\_\_

Title of Work: Leg Avenue Hosiery Catalog 2009

Completion/ Publication \_\_\_\_\_

Year of Completion: 2008

Date of 1st Publication: December 1, 2008

Nation of 1st Publication: United States

Author \_\_\_\_\_

Author: Leg Avenue, Inc.

Author Created: 2-D artwork, photograph(s), text

Work made for hire: Yes

Citizen of: United States

Domiciled in: United States

Copyright claimant \_\_\_\_\_

Copyright Claimant: Leg Avenue, Inc.

19601 East Walnut Drive South, City of Industry, CA, 91748, United States

Rights and Permissions \_\_\_\_\_

Organization Name: Leg Avenue, Inc.

Name: David A. Schneider

Email: dschneider@legavenue.com

Telephone: 626-581-1273

Address: 19601 East Walnut Drive South

City of Industry, CA 91748 United States

Certification \_\_\_\_\_

Name: David A. Schneider

Date: December 12, 2008

Page 1 of 1

# EXHIBIT 12



## Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Marybeth Peters*

Register of Copyrights, United States of America

Registration Number  
**VA 1-738-756**

Effective date of  
registration:

December 7, 2009

**Title** \_\_\_\_\_

Title of Work: Leg Avenue Hosiery Catalog 2010

**Completion/Publication** \_\_\_\_\_

Year of Completion: 2009

Date of 1st Publication: November 25, 2009

Nation of 1st Publication: United States

**Author** \_\_\_\_\_

■ Author: Leg Avenue, Inc.

Author Created: text, photograph(s), 2-D artwork

Work made for hire: Yes

Citizen of: United States

Domiciled in: United States

**Copyright claimant** \_\_\_\_\_

Copyright Claimant: Leg Avenue, Inc.

19601 East Walnut Drive South, City of Industry, CA, 91748, United States

**Rights and Permissions** \_\_\_\_\_

Organization Name: Leg Avenue, Inc.

Name: David A. Schnider

Email: dschnider@legavenue.com

Telephone: 626-581-1273

Address: 19601 East Walnut Drive South

City of Industry, CA 91748 United States

**Certification** \_\_\_\_\_

Name: David A. Schnider

Date: December 1, 2009